REMARKS/ARGUMENTS

The Office Action mailed January 22, 2009 has been carefully considered. Within that Office Action, claims 1-14 were rejected. Claims 1, 2, 8, 9 and 14 are amended above to more particularly point out and distinctly set claim novel and patentable features. The amendments are fully supported by the original disclosure and, thus, no new matter has been added. If the Examiner should disagree, however, it is respectfully requested that the challenged amendments/limitations be pointed out with particularity in the next Action so support may be cited in response. Reconsideration of all of the claims in view of the above amendments and the following remarks is respectfully requested.

The rejection of claims 1-12 and 14 under 35 U.S.C. §103(a) as allegedly being unpatentable over Chocobo World – Final Fantasy 8 released July 7, 1999 in view of Sato (U.S. Patent No. 4,858,930) and the rejection of independent claim 13 under 35 U.S.C. §103(a) as allegedly being unpatentable over the Chocobo World reference alone or alternatively over the Sato '930 patent alone are respectfully traversed.

Applicants respectfully contend that the Sato reference fails to teach or suggest anything beyond that already disclosed by the Chocobo World reference. More specifically, Sato discloses that in a game having a home TV game version and an arcade version, if the game cartridge is detached from the home TV game console and attached to an arcade game machine, the ability of the character developed or acquired during gameplay on the home TV game can be used as the initial value of the ability of the character in the arcade game. Likewise, essentially the same basic operational feature/function is also taught by the Chocobo World reference, as items obtained during gameplay of Chocobo World are written into the backup area for FF8. In

particular, Applicants contend that the Chocobo World reference considered either alone or together with the teachings of Sato still fails to teach or suggest at least the following features that are set forth in each of Applicants' independent claims: 1) a game condition detector wherein the game condition detector determines whether or not a predetermined game condition is accomplished during gameplay of a game in progress on the game apparatus, and 2) a memory write controller which, at a time when the game condition detector determines that a predetermined game condition is accomplished, automatically writes information relating to the accomplished game condition, into both a first backup data storing area and a second backup data storing area, wherein the second backup data storing area is arranged separately from the first backup data storing area, regardless of which game program was started by said game operation controller. Thus, even assuming for the sake of argument that the teachings of the references could be combined, that combination would clearly fail to or suggest all the features of Applicants' independent claims. Accordingly, it is submitted that Applicants' independent claims 1, 8, 9, 10, 11, 13 and 14, and claims 2-7 and 13 as dependent thereon are patentably distinct over the combined teachings of the Chocobo World reference considered with the Sato reference.

Moreover, Applicants respectfully contend that the Office Action appears to improperly rely on a hindsight reconstruction of the claims based on the teachings in the instant application specification in reaching its obviousness determination. "To imbue one of ordinary skill in the art with knowledge of the invention, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." See W.L. Gore &

Assoc. v. Garlock, Inc., 721 F.2d 1540, 1543, 220 USPQ 303, 312-13 (Fed. Cir. 1983). Only in view of the teachings of the instant application could the rejections possibly be maintained.

As all objections and rejections raised in the Office Action have been addressed by the present Amendment, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need be resolved, the Examiner is respectfully requested to contact Applicants' undersigned representative, using the telephone number listed below the signature line, to conduct an interview in an effort to expedite prosecution in connection with the present application.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
William G. Niessen
Reg. No. 29,683

WGN/edg
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100xxxx